

## REMARKS

Claims 1-20 are currently pending in the application. Claims 1, 4, 13, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mueller et al. Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller et al. in view of Benton. Claims 5-12 and 15 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16-20 are allowed.

### Claim Objections:

Claim 12 stands objected to as containing a typographical error.

Claim 12 is hereby amended to correct the typographical error. The Applicant submits that Claim 12, as amended, is now in condition for allowance. Therefore, the Applicant respectfully requests that Claim 12, as amended, be allowed.

### Claim Rejections Under 35 U.S.C. § 102(b):

Claims 1, 4, 13, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mueller et al. The Examiner states that Mueller et al. disclose an umbrella having a base support portion, a pole portion coupled to the base support portion, a canopy portion hingedly coupled to the pole portion, a rechargeable electrical power system, a solar system carried by the pole portion above the canopy portion and coupled to the rechargeable electrical power system, and a cooling system having a fan carried by the canopy portion and coupled to the rechargeable electrical power system.

Claims 1, 4, 13, and 14 are hereby cancelled. However, the Applicant hereby reserves the right to file continuation applications to pursue Claims 1, 4, 13, and 14.

### Claim Rejections Under 35 U.S.C. § 103(a):

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mueller et al. in view of Benton. With regard to Claim 2, the Examiner states that Mueller et al. do not teach a rechargeable electrical power system and a solar energy system both

being carried by a housing mounted on the pole portion. The Examiner relies upon Benton for this feature, and states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Mueller et al. umbrella apparatus by providing the rechargeable electrical power system and solar energy system as taught by Benton. With regard to Claim 3, the Examiner states that Mueller et al. do not teach a solar energy system being carried by a housing mounted on the pole portion. The Examiner relies upon Benton for this feature, and states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Mueller et al. umbrella apparatus by providing the solar energy system carried by a housing mounted on the pole portion as taught by Benton.

Claims 2 and 3 are hereby cancelled. However, the Applicant hereby reserves the right to file continuation applications to pursue Claims 2 and 3.

**Allowable Subject Matter:**

Claims 5-12 and 15 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16-20 are allowed.

The Applicant appreciates the Examiner's indication of allowability of Claims 5-12 and 15, and allowance of Claims 16-20.

Claims 5, 6, and 10 are hereby amended by rewriting them as independent claims with all of the limitations of Claim 1. Claim 15 is hereby amended by rewriting it as an independent claim with all of the limitations of Claims 1 and 13. The Applicant submits that Claims 5, 6, and 10, as amended, are now in condition for allowance. Therefore, the Applicant respectfully requests that Claims 5, 6, and 10 be allowed.

Claims 7-9 and 11 are not hereby amended. However, Claims 7-9 and 11 are dependent claims based upon allowable independent claims. As such, the Applicant submits that Claims 7-9 and 11 are allowable. Therefore, the Applicant respectfully requests that Claims 7-9 and 11 be allowed.

## CONCLUSION

The subject application now contains five independent claims. Therefore, enclosed is a check in the amount of \$84.00 to cover the cost of two independent claims in excess of three (2 x \$42.00). No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees that are necessary, or credit any overpayments, to Deposit Account No. 50-1060.

Respectfully submitted,

2/17/03  
Date

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ATTORNEYS FOR APPLICANT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0638MH-40982-US

In re Application of:

**GREGORY G. KUELBS**

Serial No. 10/068,424

Filed: 7 FEBRUARY 2002

For: **UMBRELLA APPARATUS**

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Examiner: **SAWHNEY, HARGOBIND S.**

Art Unit: 2875

**CLEAN VERSION OF THE AMENDED CLAIMS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following is a clean version of claims as amended by Applicant's Amendment A filed herewith.

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**CERTIFICATE OF MAILING**  
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I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail service with sufficient postage under 37 C.F.R. § 1.8(a) on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 2/17/03 By: James E. Walther

1. (Hereby Cancelled).

2. (Hereby Cancelled).

3. (Hereby Cancelled).

4. (Hereby Cancelled).

5. (Once Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

*AI Cont.* a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

an electrical charging system for recharging the rechargeable electrical power system, the electrical charging system being adapted to receive power from an AC power outlet.

6. (Once Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a lighting system carried by the canopy portion, the lighting system being conductively coupled to and powered by the rechargeable electrical power system.

3  
7. (Not Amended) The umbrella apparatus according to claim 6<sup>2</sup>, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

4  
8. (Not Amended) The umbrella apparatus according to claim 6<sup>2</sup>, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

5  
9. (Not Amended) The umbrella apparatus according to claim 6<sup>2</sup>, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of fluorescent light elements carried by the rib members, each fluorescent light element being conductively coupled to and powered by the rechargeable electrical power source.

13. (Hereby Cancelled).

14. (Hereby Cancelled).

9 15. (Once Amended) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a cooling system carried by the canopy portion, the cooling system being conductively coupled to and powered by the rechargeable electrical power system, the cooling system comprising;

a fluid reservoir operably associated with the umbrella apparatus;

at least one mist nozzle coupled to the canopy portion, each mist nozzle being in fluid communication with the fluid;

a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and

a pump for pumping the fluid from the reservoir through each mist nozzle.

16. (Allowed) An umbrella apparatus comprising:

a base support portion;

a pole portion coupled to the base support portion;

a canopy portion hingedly coupled to the pole portion;

6.  
10. **(Once Amended)** An umbrella apparatus comprising:

a base support portion;  
a pole portion coupled to the base support portion;  
a canopy portion hingedly coupled to the pole portion;  
a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

Q1 a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

an electromechanical opening and closing system for opening and closing the canopy portion, the electromechanical opening and closing system being conductively coupled to and powered by the rechargeable electrical power system.

11. **(Not Amended)** The umbrella apparatus according to claim 10, wherein the electromechanical opening and closing system comprises:

an electric motor carried by the pole portion;  
a control system for controlling the electric motor;  
a gear system coupled to the electric motor; and  
a cable and pulley system coupled to the gear system and the canopy portion;  
wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

4.  
12. **(Once Amended)** The umbrella apparatus according to claim 11, wherein the control system comprises:

a receiver conductively coupled to the electric motor;  
a remote transmitter for transmitting an encoded signal to the receiver; and  
a decoder conductively coupled to the receiver for decoding the encoded signal from the transmitter.



a rechargeable electrical power system for providing electrical power to the umbrella apparatus;

a solar energy system carried by the pole portion above the canopy portion, the solar energy system being adapted to collect solar energy and convert the solar energy into electrical energy, the solar energy system being conductively coupled to the rechargeable electrical power system, such that the solar energy collected and converted into electrical energy recharges the rechargeable electrical power system; and

a combination of two or more of the following modular systems:

a lighting system carried by the canopy portion;

an electromechanical opening and closing system for opening and closing the canopy portion; or

a cooling system;

wherein each modular system is configured to be interchanged with each other, each modular system being conductively coupled to and powered by the rechargeable electrical power system.

17. **(Allowed)** The umbrella apparatus according to claim 16, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of cold cathode tube elements carried by the rib members, each cold cathode tube element being conductively coupled to and powered by the rechargeable electrical power source.

18. **(Allowed)** The umbrella apparatus according to claim 16, wherein the lighting system comprises:

a plurality of rib members coupled to the canopy portion; and

a plurality of light emitting diode elements carried by the rib members, each light emitting diode element being conductively coupled to and powered by the rechargeable electrical power source.

19. **(Allowed)** The umbrella apparatus according to claim 16, wherein the cooling system comprises:

- a fluid reservoir operably associated with the umbrella apparatus;
- at least one mist nozzle coupled to the canopy portion, each mist nozzle being in fluid communication with the fluid;
- a conduit creating fluid communication between the fluid reservoir and each mist nozzle; and
- a pump for pumping the fluid from the reservoir through each mist nozzle.

20. **(Allowed)** The umbrella apparatus according to claim 16, wherein the electromechanical opening and closing system comprises:

- an electric motor carried by the pole portion;
  - a control system for controlling the electric motor;
  - a gear system coupled to the electric motor; and
  - a cable and pulley system coupled to the gear system and the canopy portion;
- wherein the opening and closing of the canopy portion is achieved by the electric motor in response to selective operation of the control system.

Applicant's Amendment A is filed herewith. Enclosed is a check in the amount of \$84.00 to cover the cost of two independent claims in excess of three (2 x \$42.00). No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees that are necessary, or credit any overpayments, to Deposit Account No. 50-1060.

Respectfully submitted,

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